

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 177 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH
and
Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

PAVAGADH INVESTMENTS PVT. LTD.

Versus

COMMISSIONER OF INCOME TAX

Appearance:

1. INCOME TAX REFERENCE No. 177 of 1989
MR RK PATEL for Petitioner No. 1
MR BB NAIK with MR MANISH R BHATT for Respondent No. 1
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CORAM : MR.JUSTICE M.S.SHAH
and
MR.JUSTICE D.A.MEHTA

Date of decision: 16/10/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.S.SHAH)

In this reference at the instance of the assessee, the following question is referred for our opinion in respect of assessment year 1981-82:-

"Whether the Tribunal was justified in law in confirming the penalty of Rs.2148/- levied by the IT u/s.273(1)(a) of the Act ?"

2. We have heard Mr RK Patel learned counsel for the assessee and Mr BB Naik learned counsel for the revenue.

3. Mr. Patel learned counsel for the assessee states that in view of the smallness of the amount involved (Rs.2148/-), the assessee does not wish to press for this reference.

In view of the above concession, we decline to answer the question referred to us in view of the smallness of the amount involved.

4. The Reference accordingly stands disposed of with no order as to costs.

(M.S. Shah,J)

(D.A. Mehta,J)

zgs/-